

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard J. Yost
aka Rick J. Yost
Denise J. Yost
Debtor(s)

Bankruptcy Case No.: 18-11240-TPA
Per June 4, 2019 Proceeding
Chapter: 13
Docket No.: 50 – 24, 41
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 3, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Community Bank (Claim No. 1) as a long term debt .
- ☒ H. Additional Terms: Counsel fees are based on a retainer of zero.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: June 10, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Richard J. Yost
 Denise J. Yost
 Debtors

Case No. 18-11240-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 26

Date Rcvd: Jun 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 12, 2019.

db/jdb
 cr +Richard J. Yost, Denise J. Yost, 7252 Homeview Lane, Apt 109, Erie, PA 16509-4371
 +Americredit Financial Services, Inc. Dba GM Financ, P.O Box 183853,
 Arlington, TX 76096-3853
 14972523 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: Americredit Financial Services, Inc., Dba GM Financial,
 P.O Box 183853, Arlington, TX 76096)
 14958207 +AmeriCredit/GM Financial, Attn: Bankruptcy, Po Box 183853, Arlington, TX 76096-3853
 14958208 +Carrington Mortgage Services, Attn: Bankruptcy, Po Box 3730, Anaheim, CA 92803-3730
 15006844 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
 14958209 +Citi/Sears, Citibank/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 15008993 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 14958210 +Community Bank Na, Attn: Bankruptcy Dept, 45 - 49 Court Street, Canton, NY 13617-1179
 14978694 +Community Bank, N.A., PO Box 509, Canton, NY 13617-0509
 14958212 +FedLoan Servicing, Attn: Bankruptcy, Po Box 69184, Harrisburg, PA 17106-9184
 14958213 +KML Law Group PC, BNY Independence Center, Suite 500, 701 Market Street,
 Philadelphia, PA 19106-1538
 14958214 +MedCare Equipment Company, LLC, PO BOX 1259, Dept # 140418, Oaks, PA 19456-1259
 14958215 +North American Partners in Anesthesia, 2600 University Parkway, Coralville, IA 52241-3204
 15035468 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 14958221 +UPMC Health Services, 2 Hot Metal St, Dist. Room 386, Pittsburgh, PA 15203-2348
 15004899 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 14958220 +Union City Municipal Authority, 22 North Main Street, Union City, PA 16438-1324

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14958211 +E-mail/Text: bdsupport@creditmanagementcompany.com Jun 11 2019 02:24:41
 Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
 14958216 +Fax: 407-737-5634 Jun 11 2019 03:08:55 Ocwen Loan Servicing, Attn: Research/Bankruptcy,
 1661 Worthington Rd Ste 100, West Palm Beach, FL 33409-6493
 15001142 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 11 2019 02:26:19
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14959397 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 11 2019 02:25:59
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15009225 +E-mail/PDF: gecsed@recoverycorp.com Jun 11 2019 02:26:16 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 14958217 +E-mail/PDF: gecsed@recoverycorp.com Jun 11 2019 02:26:14 Synchrony Bank/ JC Penneys,
 Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
 14958218 +E-mail/PDF: gecsed@recoverycorp.com Jun 11 2019 02:25:57 Synchrony Bank/ Old Navy,
 Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
 14958219 +E-mail/PDF: gecsed@recoverycorp.com Jun 11 2019 02:26:15 Synchrony Bank/Care Credit,
 Attn: Bankruptcy Dept, Po Box 965061, Orlando, FL 32896-5061

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Carrington Mortgage Services LLC as servicer for W
 cr Wells Fargo Bank N.A., as Trustee, for Carrington
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14958222* +AmeriCredit/GM Financial, Attn: Bankruptcy, Po Box 183853, Arlington, TX 76096-3853
 14958223* +Carrington Mortgage Services, Attn: Bankruptcy, Po Box 3730, Anaheim, CA 92803-3730
 14958224* +Citi/Sears, Citibank/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 14958225* +Community Bank Na, Attn: Bankruptcy Dept, 45 - 49 Court Street, Canton, NY 13617-1179
 14958226* +Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
 14958227* +FedLoan Servicing, Attn: Bankruptcy, Po Box 69184, Harrisburg, PA 17106-9184
 14958228* +KML Law Group PC, BNY Independence Center, Suite 500, 701 Market Street,
 Philadelphia, PA 19106-1538
 14958229* +MedCare Equipment Company, LLC, PO BOX 1259, Dept # 140418, Oaks, PA 19456-1259
 14958230* +North American Partners in Anesthesia, 2600 University Parkway, Coralville, IA 52241-3204
 14958231* +Ocwen Loan Servicing, Attn: Research/Bankruptcy, 1661 Worthington Rd Ste 100,
 West Palm Beach, FL 33409-6493
 14958232* +Synchrony Bank/ JC Penneys, Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
 14958233* +Synchrony Bank/ Old Navy, Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
 14958234* +Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965061, Orlando, FL 32896-5061
 14958236* +UPMC Health Services, 2 Hot Metal St, Dist. Room 386, Pittsburgh, PA 15203-2348
 14958235* +Union City Municipal Authority, 22 North Main Street, Union City, PA 16438-1324

TOTALS: 2, * 16, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

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 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

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Total Noticed: 26

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 12, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 10, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Wells Fargo Bank N.A., as Trustee, for Carrington Mortgage Loan Trust, Series 2006-NC3 Asset-Backed Pass-Through Certificates
bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Carrington Mortgage Services LLC as servicer for Wells Fargo Bank N.A., as Trustee, for Carrington Mortgage Loan Trust, Series 2006-NC3 Asset-Backed Pass-Through Certificates bkgroup@kmlawgroup.com
Joseph B. Spero on behalf of Trustee Joseph B. Spero sperolaw@neohio.twcbc.com, jspero@ecf.axosfs.com;legalmom18@hotmail.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Rebeka Seelinger on behalf of Debtor Richard J. Yost rebeka@seelingerlaw.com
Rebeka Seelinger on behalf of Joint Debtor Denise J. Yost rebeka@seelingerlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7